

the light sources and light detectors adapted to be disposed on the organ including first, second and third light sources and first, second and third light detectors;

a device for measuring a concentration of metabolites in the organ and changes in the concentration at a location corresponding to a substantially midpoint position between said first light source and said first light detector or between said second light source and said second light detector as a sampling point;

wherein said first light source and said first light detector are on a first line on the organ, and said second light source and said second light detector are on a second line on the organ which is substantially parallel to said first line and a distance between said first line and said second line is substantially the same as a distance between said first light source and said first light detector, and said second light source is at a position substantially nearest to said first detector and said second light detector is at a position substantially nearest to said first light source, and said third light source is at said location corresponding to a substantially midpoint position between said first light source and said first light detector and said third light detector is at said location corresponding to a

substantially midpoint position between said second light source and said second light detector.

10. (New) The biological photometric device according to claim 4, further comprising a display to show said concentration of metabolites and changes in the concentration measured as an image.

REMARKS

Claims 2, 3, 6 and 7 have been canceled without prejudice or disclaimer. Claims 4, 5 and 8 have been amended; and new claims 9 and 10 have been added. Accordingly, claims 4, 5 and 8-10 are currently pending.

Priority

Applicants appreciate the Examiner's acknowledgment of the claim for priority and receipt of the priority document.

35 U.S.C. §112

The rejection of the claims under 35 USC 112 has in part been rendered moot by the cancellation of claims 2, 3 and 6. Further, claim 4 has been amended to overcome the objections noted by the Examiner.

35 U.S.C. §102

Claims 2, 4-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by PCT Publication W097/187552 (Hitachi); and claims 2-4 and 6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,676,143 to Simonsen et al. Reconsideration of the rejections is requested for the following reasons.